

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TEXARKANA DIVISION

QUERONDE CHAISSON §
v. § CIVIL ACTION NO. 5:13cv54
DAWN GROUNDS, ET AL. §

MEMORANDUM ADOPTING REPORT AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE
ON DEFENDANT STEVEN ROBERTS' MOTION TO DISMISS

The Plaintiff Queronde Chaisson, proceeding *pro se*, filed this civil rights lawsuit under 42 U.S.C. §1983 complaining of alleged violations of his constitutional rights during his confinement in the Texas Department of Criminal Justice, Correctional Institutions Division. This Court ordered that the case be referred to the United States Magistrate Judge pursuant to 28 U.S.C. §636(b)(1) and (3) and the Amended Order for the Adoption of Local Rules for the Assignment of Duties to United States Magistrate Judges. As Defendants, Chaisson names Warden Dawn Grounds, Nurse Steven Roberts, Sgt. Lonnie Smith, Sgt. Charles Thomas, and correctional officers Nina Andrews, Randal Taylor, and Latoya Williams; he originally named Dr. Reginaldo Stanley as well, but his amended complaint made no mention of Dr. Stanley.

On October 7, 2013, the Defendant Steven Roberts filed a motion to dismiss the claims against him. After review of the pleadings, the Magistrate Judge issued a Report recommending that the motion be granted and that Roberts be dismissed from the lawsuit with prejudice. The Report also recommended that Dr. Stanley be dismissed from the lawsuit without prejudice because Chaisson did not mention Dr. Stanley nor raise any claims against him in his amended complaint. No objections were filed to the Report; accordingly, the parties are barred from *de novo* review by the district judge of those findings, conclusions, and recommendations and, except upon grounds of plain error, from appellate review of the unobjected-to factual findings and legal conclusions

accepted and adopted by the district court. Douglass v. United Services Automobile Association, 79 F.3d 1415, 1430 (5th Cir. 1996) (*en banc*).

The Court has reviewed the pleadings in this cause and the Report of the Magistrate Judge. Upon such review, the Court has determined that the Report of the Magistrate Judge is correct. *See United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir.), *cert. denied*, 492 U.S. 918, 109 S.Ct. 3243 (1989) (where no objections to a Magistrate Judge's Report are filed, the standard of review is "clearly erroneous, abuse of discretion and contrary to law."). It is accordingly

ORDERED that the Report of the Magistrate Judge (docket no. 48) is **ADOPTED** as the opinion of the District Court. It is further

ORDERED that the Defendant Stanley Roberts' motion to dismiss (docket no. 29) is hereby **GRANTED** and the claims against Roberts are **DISMISSED** with prejudice for failure to state a claim upon which relief may be granted. It is further


ORDERED that Dr. Reginaldo Stanley is hereby **DISMISSED** from the lawsuit without prejudice. It is further

ORDERED that the Plaintiff's motion to accept the Report and Recommendation (docket no. 55) is **DENIED** as moot. Finally, it is

ORDERED that the Defendant Steven Roberts' motion to stay all deadlines pertaining to him (docket no. 35) is **DENIED** as moot.

It is SO ORDERED.

SIGNED this 14th day of January, 2014.

A handwritten signature in black ink, reading "Michael H. Schneider", written over a horizontal line.

MICHAEL H. SCHNEIDER
UNITED STATES DISTRICT JUDGE